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Electronically Filed on \_\_\_\_\_

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**Attorney for Secured Creditor**

10 BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P.  
 11 09-77956

12 UNITED STATES BANKRUPTCY COURT  
 13 DISTRICT OF NEVADA

14 In re:	<b>BK09-29326-bam</b>
15	Chapter 7
16 Joseph R. Esquivel, Jr. and Lori Esquivel	NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY HEARING DATE: 1/4/2010 HEARING TIME: 1:30 pm
17	
18	
19 Debtor(s).	ESTIMATED TIME: 5 Minutes

20 TO THE HONORABLE BRUCE A MARKELL, THE DEBTORS, DEBTORS'S ATTORNEY  
 21 OF RECORD AND THE CHAPTER 7 TRUSTEE, AND OTHER INTERESTED PARTIES:

22 PLEASE TAKE NOTICE that on the 4<sup>th</sup> day of January, 2010 at 1:30 pm before United  
 23 States Bankruptcy Judge, the Honorable Bruce A Markell, in Courtroom 3 located at the Foley  
 24 Federal Building, 300 Las Vegas Boulevard South, Las Vegas, Nevada. BAC Home Loans  
 25 Servicing, L.P. fka Countrywide Home Loans Servicing, L.P., it's assignees and/or successors  
 26 in interest and assigns ("Movant"), will move this Court, pursuant to 11 U.S.C. §362(d), for an

1 order terminating the automatic stay, to allow Movant to proceed with its non-bankruptcy  
2 remedies, including, but not limited to foreclosure upon obtaining possession of and selling the  
3 subject real property located at 6940 Surrey Court, Las Vegas, NV 89145 (the "subject real  
4 property").

5 PLEASE TAKE FURTHER NOTICE that Local Bankruptcy Rule 9014(d)(1) requires  
6 that any opposition to the motion must be filed and service completed upon the Movant not  
7 more that fifteen (15) days after service of the motion. The opposition must set forth all relevant  
8 facts and must contain a legal memorandum. An opposition may be supported by affidavits or  
9 declarations that conform to the provisions of this rule.  
10

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with  
12 the court. You *must* also serve your written response on the person who sent you this notice.

13 If you do not file a written response with the court, or if you do not serve your written response  
14 on the person who sent you this notice, then:

- 15 ☐ The court may *refuse to allow you to speak* at the scheduled hearing; and  
16 ☐ The court may *rule against you* without formally calling the matter at the hearing

17 DATED this 4th day of December, 2009.

18 **WILDE & ASSOCIATES**

19 By: *G. L. Wilde* #10235  
20 /s/Gregory L. Wilde, Esq

21 GREGORY L. WILDE, ESQ.

22 Attorney for Secured Creditor  
23 208 South Jones Boulevard  
24 Las Vegas, Nevada 89107  
25  
26

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16 09-77956

17 **UNITED STATES BANKRUPTCY COURT**  
18 **DISTRICT OF NEVADA**

19 In Re:

BK-S-09-29326-bam

20 Joseph R. Esquivel, Jr. and Lori Esquivel

Date: 1/4/2010

Time: 1:30 pm

Chapter 7

21 Debtors.

22 **CERTIFICATE OF SERVICE OF NOTICE AND**  
23 **MOTION FOR RELIEF FROM AUTOMATIC STAY**

24 1. On 12/4/2009 I served the following document(s):

25 NOTICE AND MOTION FOR RELIEF FROM AUTOMATIC STAY

26 2. I served the above-named document(s) by the following means to the persons as listed below:

X a. ECF System

Dorothy G. Bunce  
[bunce@hotpop.com](mailto:bunce@hotpop.com)  
Attorney for Debtors

1 Yvette Weinstein  
2 yweinsteinhdsd@earthlink.net  
3 Trustee

4 **X b. United States mail, postage fully prepaid:**

5 Dorothy G. Bunce  
6 2037 Franklin Ave.  
7 Las Vegas, NV 89104  
8 Attorney for Debtors

9 Joseph R. Esquivel, Jr. and Lori Esquivel  
10 6940 Surrey Ct  
11 Las Vegas, NV 89145  
12 Debtors

13 Bank Of America  
14 Attn: Managing Agent  
15 4161 Piedmont Parkway  
16 Greensboro, NC 27410  
17 "Via Certified Mail"

18 ☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

19 I personally delivered the document(s) to the persons at these addresses:

20 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
21 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
22 by leaving the document(s) in a conspicuous place in the office.

23 N/A

24 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
25 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
26 of suitable age and discretion residing there.

N/A

☐ **d. By direct mail (as opposed to through the ECF System)**

*(List persons and email addresses. Attach additional paper if necessary)*

1 Based upon the written assignment of the parties to accept service by email or a court order. I  
2 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
3 receive, within a reasonable time after the transmission, any electronic message or other  
4 indication that the transmission was unsuccessful.

5 ☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

6 Based upon the written assignment of the parties to accept service by fax transmission or  
7 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
8 was reported by the fax machine that I used. A copy of the record of the fax transmission is  
9 attached.

10  
11 ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

12  
13 I served the document(s) by placing them in an envelope or package addressed to the  
14 persons at the addresses listed below and providing them to a messenger for service.

15  
16 **I declare under penalty of perjury that the foregoing is true and correct.**

17 DATED this 4th day of December, 2009.

18  
19 By: 